

### REMARKS/ARGUMENTS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-14 are pending in the present application. Claims 1-14 have been amended. Claims 1 and 8 are independent claims. In view of the Amendments and the following Remarks, the Examiner is respectfully requested to reconsider the outstanding objections and rejections.

#### Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 1-7 to be allowable if amended to overcome the objections set forth in the Office Action. Applicants also gratefully acknowledge the Examiner's indication that claims 8-14 would be allowable if amended to overcome the rejection under 35 U.S.C. § 112, second paragraph.

#### Claim for Priority

It is gratefully acknowledged that the Examiner has recognized Applicants' claim for foreign priority. In view of the fact that the Applicants' claim for foreign priority has been perfected, no additional action is required from Applicants at this time.

### Specification

In the Office Action, the Examiner objected to the Abstract because "(Fig. 5)" in the last line should be deleted. Applicants respectfully submit that the Abstract has been replaced with the attached revised Abstract, in which the aforementioned correction has been made.

Furthermore, the Examiner has indicated that 37 C.F.R. 1.77(d) indicates that the specification should include various section headings. Applicants respectfully submit that the specification has been amended such that section headings have been inserted.

In view of the abovementioned amendments to the specification, Applicants respectfully request the Examiner to withdraw these objections.

### Drawings

The Examiner has objected to Figs. 1-4 because they should be designated by a legend, which indicates only that which is old is illustrated. Applicants respectfully submit that corrected drawings are attached hereto, in which the label "CONVENTIONAL ART" has been added. Accordingly, Applicants respectfully request the Examiner to withdraw this objection.

### Claim Objections

The Examiner has objected to claims 1-14 because of various informalities. Applicants respectfully submit that claims 1-14 have been amended to correct such informalities. Applicants submit that these amendments do not materially change the scope of the claims. Also, Applicants submit that these amendments were not made for any reason relating to patentability, but rather to address objectionable matters. Accordingly, Applicants respectfully submit that no estoppel has been created by these amendments and, thus, claims 1-14 are entitled to their full range of equivalents during future consideration.

### Rejections Under 35 U.S.C. § 112

Claims 8-14 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Specifically, the Examiner asserts that "[c]laims 8-14 are drawn to a multicarrier communication system, but do not recite any components or structure included in the system, and therefore do not clearly define a multicarrier communication system" (see Office Action at page 5). Thus, the Examiner seems to assert that the use of functional limitations in these claims

to define the multicarrier system renders the claims indefinite under § 112, second paragraph. This rejection is respectfully traversed.

Initially, Applicants wish to point out that MPEP § 2173.05(g) states the following:

A functional limitation is an attempt to define something by what it does, rather than by what it is e.g., as evidenced by its specific structure or specific ingredients). There is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not in and of itself render a claim improper. (emphasis added)

Furthermore, Applicants also wish to direct the Examiner's attention to MPEP § 2173.05(p), which indicates that "[a] product-by-process claim, which is a product claim that defines the claimed product in terms of the process by which it is made, is proper."

Even assuming for the sake of argument that the Examiner's assertion that claims 8-14 do not recite components or structure included in the system, Applicants respectfully submit that this does not in itself constitute proper grounds for rejecting the claims under § 112, second paragraph, as clearly indicated by the above-cited sections of the MPEP. Furthermore, Applicants submit that claims 8-14 sets definite metes and boundaries on

the patent protection sought for by Applicants and, therefore, are definite under § 112, second paragraph.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

**Statement Of Reasons For Indication Of Allowable Subject Matter**

In page 5 of the Office Action, the Examiner offers a generic statement as to why the claims of the present invention would be allowable over the prior art of record, if the claims were amended to overcome the various objections and rejections. Although Applicants agree that the prior art does not disclose or teach the features listed by the Examiner, Applicants wish to emphasize that it is the claims as whole, including the various interrelationships and interconnections between the various claimed elements, which are not taught or suggested by the prior art.

Also, Applicants respectfully submit that the claims should be interpreted in light of the actual language used therein, and not unduly limited by the Examiner's Statement. For example, the Examiner refers to a claim feature where "the number of narrower-bandwidth subchannels is at least two." However, independent claims 1 and 8 each recite that "the number of said narrower-bandwidth subchannels is not smaller than two when both

transmission directions are taken into account." In light of the actual language of claims 1 and 8, Applicants respectfully submit that the claimed invention should not be interpreted as requiring that the number of narrower-bandwidth subchannels is at least two for each direction, regardless of the phrasing used in the Examiner's Statement.

### **Conclusion**

It is respectfully submitted that all of the stated objections and grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request the Examiner to reconsider and withdraw all outstanding objections and rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Since the remaining patents cited by the Examiner have not been used to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to conduct an interview in an

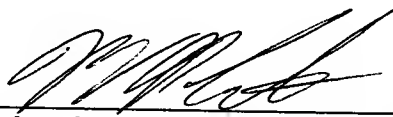
effort to expedite prosecution in connection with the present application.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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[57] Abstract



The present invention concerns a method and system for dividing the transmission bandwidth into data-transferring subchannels of desired bandwidths and carrier locations in modems based on multicarrier modulation technique, in which method the transmission bandwidth is divided into at least three subchannels (2) when both transmission directions are taken into account. According to the invention, the bandwidth of said subchannels (2) at frequency ranges (5) affected at the highest probability by RF interference emissions at frequencies (4) not known *a priori* is set narrower than the bandwidth of other subchannels (2) and the number of said narrower-bandwidth subchannels is not set smaller than two when both transmission directions are taken into account.

~~(Fig. 5)~~





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CONVENTIONAL ART

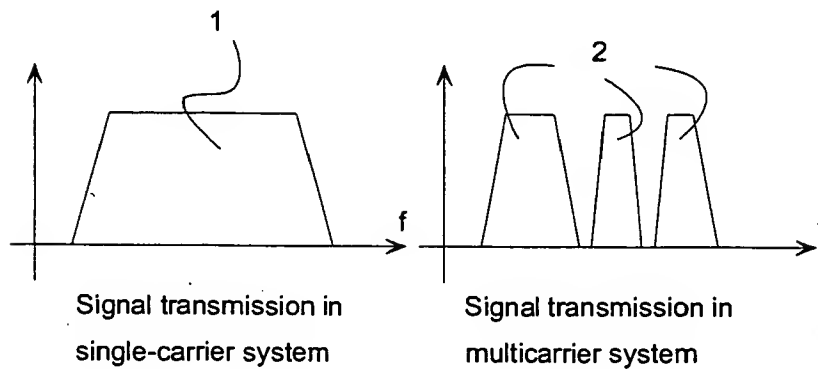


Fig. 1

CONVENTIONAL ART

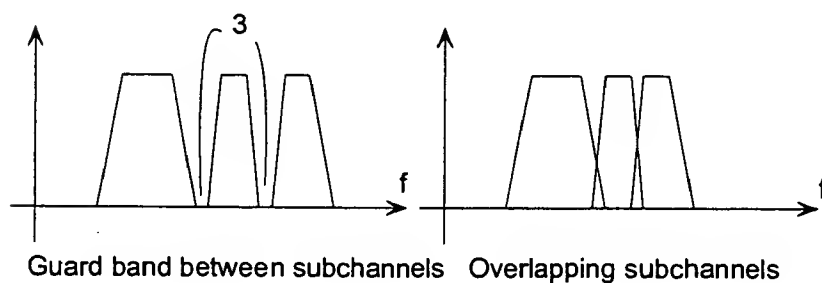
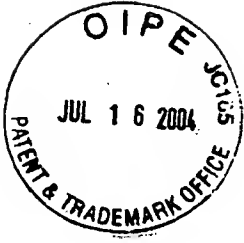


Fig. 2



CONVENTIONAL ART

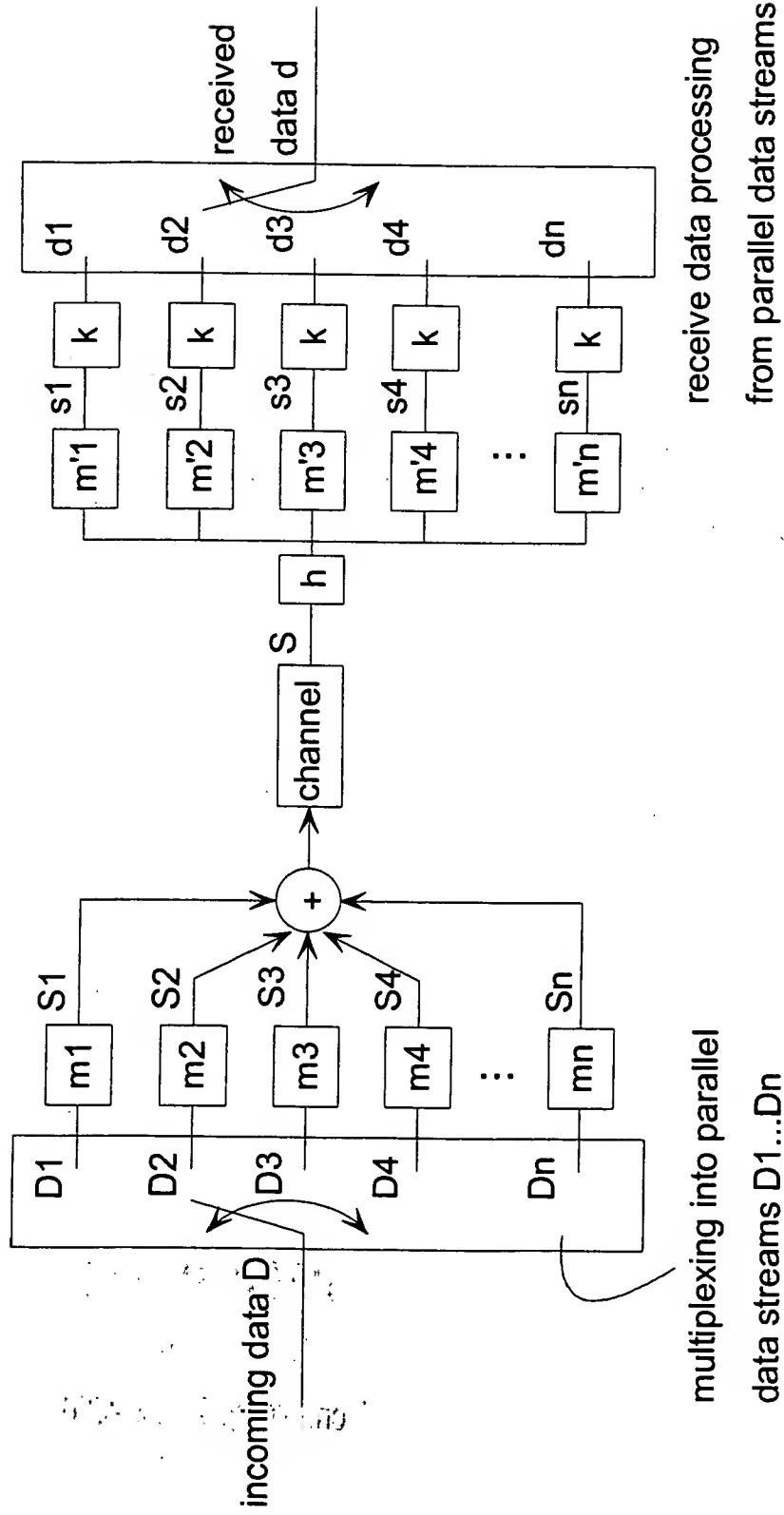


Fig. 3



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# CONVENTIONAL ART

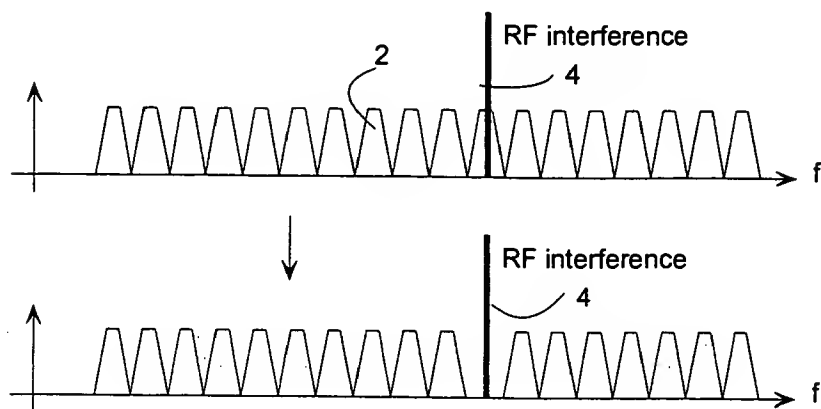


Fig. 4

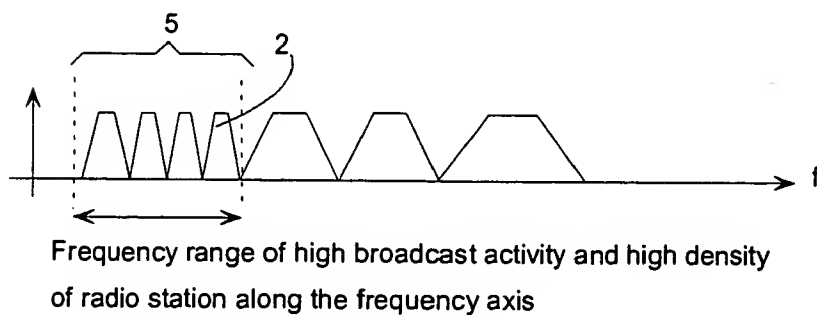


Fig. 5